

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013120462

ORDER GRANTING MOTION TO  
AMEND COMPLAINT

On December 12, 2013, the Newport-Mesa Unified School District (District) filed a due process hearing request (complaint), naming Student and seeking a decision that its November 2013 multidisciplinary assessment was appropriate. On December 23, 2013, District filed a motion for leave to amend the complaint to add the appropriateness of its November 2013 functional behavior assessment as an issue, and attached the proposed amended complaint as an exhibit. No opposition has been received.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. The current dates set by OAH order dated December 23, 2013, on the parties' joint request for continuance, are confirmed.

IT IS SO ORDERED.

Dated: December 24, 2013

/s/

ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings